

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, DC 20554

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
)
Revision of the Commission's Rules) CC Docket No. 94-102
To Ensure Compatibility with) RM-8143
Enhanced 911 Emergency)
Calling Systems)

To: The Commission

**NEXTEL COMMUNICATIONS, INC.
REPLY TO COMMENTS/OPPOSITION**

I. INTRODUCTION

Pursuant to Section 1.429 of the Rules of the Federal Communications Commission ("Commission"), Nextel Communications, Inc. ("Nextel") respectfully submits this Reply to the Comments and Opposition filed February 22, 2000 in response to the petitions for reconsideration of the Commission's Phase II Enhanced 911 ("E911") implementation deadlines, as adopted in the Third Report and Order in this proceeding.¹

Nine parties submitted Comments or Opposition to the joint Petition for Reconsideration of Nokia, Inc. ("Nokia") and Motorola, Inc. ("Motorola"), as well as the Petitions for Reconsideration filed by Sprint PCS ("Sprint") and Aerial Communications, Inc. ("Aerial"). Of those nine filings, only two support the Commission's decisions in the Third Report and Order. The remaining seven

¹ Third Report and Order, 14 FCC Rcd 17388 (1999).

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commenters support changes to the Commission's handset-implementation rules based on the Commission's failure to rely on the record in this proceeding.

Specifically, the Personal Communications Industry Association ("PCIA") states: "Clearly, there is not enough evidence at this point to justify the heightened accuracy requirements contained in the new rules."² SnapTrack, Inc. ("SnapTrack"), *one of the Automatic Location Information ("ALI") technology vendors upon whom the Commission appeared to have primarily relied in establishing its handset-based implementation dates*, states that ". . .it is clear that the aggressive schedule currently required under the Commission's rules is without record support and is not based on realistic timetables or likely availability of commercial equipment."³ Additionally, U.S. West Wireless ("U.S. West") supports reconsideration since ". . .the deployment schedules for handset-based Phase II solutions are without record support."⁴

Given the majority support for amending the existing implementation deadlines – in particular the support provided by the manufacturers and vendors charged with the responsibility of developing the technology and integrating it into wireless handsets – and the continued uncertainty regarding the proper methodology for measuring location accuracy, Nextel urges the Commission to amend its existing implementation deadlines for handset-based location technologies. At a minimum, the Commission should stay the deadlines until after appropriate measurement methodologies and weighting factors are established for

² Comments of the Personal Communications Industry Association at pp. 3-4.

³ SnapTrack, Inc. Comments in Support of Petitions for Reconsideration at p. 4.

⁴ Comments of U.S. West Wireless, LLC at p. 4.

measuring location accuracy. Once such guidelines are in place, manufacturers, location technology vendors, network services providers and carriers can determine the amount of time that will be necessary to develop and integrate ALI solutions that will provide consumers the enhanced public safety features of Phase II Enhanced 911 ("E911") services.

II. DISCUSSION

Nextel, U.S. West, PCIA, AT&T Wireless ("AWS"), GTE Service Corporation ("GTE"), and to a limited extent, Qualcomm, Inc. ("Qualcomm"), support the petitions for reconsideration and demonstrate that the Commission must reconsider the Phase II E911 deadlines adopted in the Third Report and Order. Two of the world's leading handset manufacturers, a leading location technology vendor, three nationwide wireless service providers and a major wireless communications trade association all agree that the existing phase-in deadlines simply cannot be achieved. Thus, the Commission can either resolve the issue now, allowing for the orderly establishment of accuracy measurement methodologies and weighting factors and industry input thereon, or the Commission can leave the rules in place and anticipate numerous Phase II waiver requests in mid-to-late 2000. Nextel submits that the ultimate deployment of Phase II technologies will be far better facilitated by addressing and resolving the issues now.

SnapTrack eloquently points out that the development of ALI technologies alone is not sufficient to achieve timely E911 Phase II implementation.⁵ The mere fact that they exist does not end the inquiry. Those technologies must be integrated into various handset makes and models, and according to SnapTrack, "[I]t is clear . . . that not all manufacturers [including two of the world's leading

handset manufacturers] will be able to provide compliant equipment to carriers within this prescribed time schedule.”⁶

Given that (a) the wireless industry and its leading handset manufacturers have stated that the existing Phase II E911 handset implementation dates cannot be met; and (b) there are no measurement methodologies or weighting factors for establishing accuracy compliance (an essential component of ALI equipment design and pricing), the Commission should reconsider the existing implementation deadlines. The Commission can best serve the public interest by staying any specific implementation decisions until the accuracy measurement methodologies have been put in place. At that time, the Commission should seek input from the industry – including handset manufacturers and ALI location vendors – regarding the appropriate timetables for phasing in ALI-capable handsets.

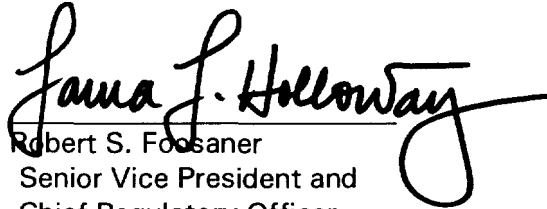
⁵ Comments of SnapTrack at p. 4.

⁶ *Id.*

III. CONCLUSION

For the reasons discussed herein, Nextel respectfully requests that the Commission reconsider its Phase II implementation deadlines.

Respectfully submitted,


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Date: March 3, 2000

CERTIFICATE OF SERVICE

I, Rochelle L. Pearson, hereby certify that on this 3rd day of March, 2000, caused a copy of the attached Reply To Comments/Opposition of Nextel Communications, Inc., to be served by first-class mail, postage prepaid to the following:

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A handwritten signature in black ink, reading "Rochelle L. Pearson". The signature is written in a cursive style with a horizontal line underneath.

Rochelle L. Pearson